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C O N F I D E N T I A L SECTION 01 OF 02 KUALA LUMPUR 001604

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TAGS: PGOV PREL KISL KDEM MY

SUBJECT: OPPOSITION AND POLICE HEADED FOR SHOWDOWN OVER
NOVEMBER 10 RALLY

REF: KUALA LUMPUR 1377 - RIOT IN TERENGGANU

Classified By: Political Section Chief Mark D. Clark
for reasons 1.4 (b and d).

Summary

¶1. (C) Opposition parties and the election NGO Bersih are organizing a major rally in Kuala Lumpur for November 10, despite police warnings not to proceed without a permit. Organizers optimistically hope for 10,000 demonstrators to participate in the rally, and expect the event to culminate in a march to the National Palace to present a memorandum to the King. This would be the first major Bersih rally since its September 8 Terengganu demonstration, which ended in a riot as police forcibly dispersed the crowd. The Islamist party PAS called on its youth wing to turn out and drew comparisons with protest actions in Burma. The Kuala Lumpur police chief warned organizers that participants and leaders will be arrested if no permit is issued for the event. Organizers refuse to recognize this condition, citing their constitutional right to peaceful assembly, and they tell us they will proceed. Khairy Jamaluddin, influential son-in-law of Prime Minister Abdullah and ruling UMNO party youth leader, called for police to arrest the Bersih organizers. While the November 10 rally appears headed for a showdown, during this pre-election environment the National Front government also has an interest in avoiding any incident that creates sympathy for the opposition. End Summary

Opposition plans rally calling for electoral reforms

¶2. (SBU) Opposition parties represented by the Islamic Party of Malaysia (PAS), the Peoples' Justice Party (PKR) and the Chinese-dominated Democratic Action Party (DAP), along with civil society groups, operating under the banner of the election NGO Bersih (formally known as the "Coalition for Clean and Fair Elections"), are organizing what they hope to be a major rally in support of electoral reform in Kuala Lumpur for November 10. As planned, the rally would begin at Independence Square in the city center and culminate in a march to the National Palace to hand over a petition to the King. Opposition organizers are seeking the King's intervention for electoral reforms and asking him to consider a royal commission to enable the reforms to be carried out. The petition also will include a request that the King exercise his power under Article 40(2)(B) of the Constitution to withhold approval of the Prime Minister's request to dissolve Parliament until electoral reforms are in place. The rally would cap a series of opposition "road shows" focused on electoral reform. Bersih's last attempted rally, in Terengganu on September 8, ended in a riot as police denied permission for the event and forcibly dispersed the gathered crowd. Scores of people including police personnel

were injured and two civilians suffered gunshot wounds when a policeman fired into a crowd (reftel).

¶13. (SBU) Publicly, Bersih claims the rally will be a gathering of 100,000 people to demand election reform before the next election. Opposition planers told poloffs that they anticipate approximately 10,000 supporters to participate. Major opposition leaders including PAS President Hadi Awang and PKR leader Anwar Ibrahim have pledged to attend, along with senior DAP leaders. Bersih organizers have also invited representatives from Malaysia's Human Rights Commission (Suhakam), the United Nations, Transparency International, Amnesty International, and the Malaysian Bar Council to observe.

Police warn Bersih not to assemble

¶14. (C) On November 1 Bersih organizers called on the police chief to advise him of their intent to hold the rally, but stated their opposition to filing a request for a permit. Bersih stated it was exercising the constitutional right to peaceful assembly, and in its public comments cited past argumentation by the National Human Rights Commission (Suhakam). Subsequently, Kuala Lumpur police deemed the November 10 rally an illegal gathering and warned that anyone who takes part in the gathering at Independence Square will be arrested. City police Chief Zul Hasnan Najib Baharudin told the press that police would act to ensure peace and order, and advised the public not to believe claims made by the organizers that the gathering was legitimate. Zul Hasnan warned Bersih to refrain from holding the gathering: "I am responsible for the safety of the public here in the city. As a law enforcer, I will not compromise in this matter."

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¶15. (SBU) When Bersih did not respond to the police admonishments and continued planning the assembly, Zul Hassan sent Bersih a letter dated November 4 directing the NGO to apply for a permit to hold the gathering. He added that without a police permit the organizers are violating Section 27(3) of the Police Act 1967 which reads, "Any police officer may stop any assembly, meeting, or procession in respect of which a license has not been issued or having been issued was subsequently cancelled...."

Bersih: No permit needed

¶16. (C) In response, Bersih officials later submitted an "application for a permit," which one of the organizers described to poloffs as "just a notification to the police." She added that even if the police were to reject the application, "the show will go on." Local attorney Sivarasa Rasiah, another leading coordinator of the rally, told poloffs "the application was just a formality to inform the police that Bersih was going to have the rally on Saturday."

Bersih Website Hacked and Call by RMP Special Branch

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¶17. (C) Unknown computer hackers compromised the Bersih website on November 4 and subsequent visitors were greeted with the message: "The gathering on November 10 has been forced to be postponed indefinitely." Bersih officials discovered the hacking on the same day and told us they had repaired the damage, though the website appeared inoperable November 6-7. Bersih members told us the hacking of the website was an attempt by government authorities to confuse supporters and to deter them from attending the assembly.

¶18. (SBU) A Bersih coordinator also told us that they had cooperated with a request from the Royal Malaysian Police Special Branch unit (Malaysia's internal intelligence body) for information on their planning for the rally.

¶9. (SBU) The war of words over the rally heated up November 6-7. As the leading United Malays National Organization (UMNO) kicked off its annual general assembly in Kuala Lumpur, UMNO Youth Wing deputy chief Khairy Jamaluddin, Prime Minister Abdullah's influential son-in-law, called on police to arrest the Bersih rally organizers. Delivering his speech to the Youth Wing assembly, he said the Bersih rally "is an illegal gathering by an illegal organization...the police must apprehend those who organize this gathering." "Don't act like monkeys on the streets," Khairy added. Concurrently, the youth wing of the Islamist party PAS declared participation in the rally "obligatory." A Bersih leader drew a comparison with the Burmese regime's harsh reaction to peaceful protests and the response of Malaysian authorities to the November 10 rally.

Comment

¶10. (C) On the face of it, the November 10 rally appears headed for a showdown with police talking tough and Bersih organizers not prepared to back down. Police warnings will deter some of the opposition supporters, yet a gathering of several thousand protestors is well within the realm of possibility. Beyond the calls for election reform, the UMNO-led government does not want the opposition to succeed in a prominent display of support in the center of Kuala Lumpur, particularly the day following UMNO's own highly-publicized assembly. Nevertheless, we believe the Terengganu riot is still freshly in mind of the government, along with the concern that violence or arrests will play into the hands of the PAS and PKR's Anwar Ibrahim, as they did in 1999. With national elections on the horizon, the National Front government has an interest in avoiding a major incident that creates sympathy for the opposition.

KEITH